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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,710.	07/25/2000	Tetsuro Motoyama	5244-0130-2	2720

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EXAMINER

NGUYEN, QUANG N

ART UNIT PAPER NUMBER

2141

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/575,710

Applicant(s)

MOTOYAMA ET AL.

Examiner

Quang N. Nguyen

Art Unit

2141

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 June 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.Claim(s) objected to: None.Claim(s) rejected: 1,3,4,6-11,13,14,16-21,23,24 and 26-39.Claim(s) withdrawn from consideration: None.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: Note the attached Interview Summary.

***Detailed Action***

1. This Office Action is in response to the Request for Reconsideration filed on 06/13/2005. Claim 1, 3-4, 6-11, 13-14, 16-21, 23-24 and 26-39 remain for examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 3-4, 6-8, 11, 13-14, 16-18, 21, 23-24, 26-28 and 31-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama (US 5,887,216), in view of Hummel, Jr. et al. (US 6,584,454), herein after referred as Hummel.**

4. As to claims 1 and 34, Motoyama teaches:

a receiver configured to receive the at least one of the device state and the device event of the remotely monitored device (*the monitoring device receives image density information from the monitored device*) (Motoyama, C10: L9-14);

a digital storage system configured to maintain a history of the at least one of the device state and the device event of the remotely monitored device, and a service history of the remotely monitored device (*database contains various information of the monitored device or machine such as service history, malfunctions, and other special conditions/events*) (Motoyama, Figs. 9A – 9C; C10: L4-7 and L35-55); and

an analyzer configured to analyze the service history and the at least one of the device state and the device event of the remotely monitored device to determine a service request to be performed on the remotely monitored device (*in step 410, the monitoring device analyzes the received information by comparing it with values such as service history, malfunctions, and other special conditions/events in the database and determines that it is appropriate to change the parameters of the remotely monitored device*) (Motoyama, Fig. 8 and C10: L14-18).

However, Motoyama does not explicitly teach a service depot comprising a computer configured to receive the service request, to analyze the service request, and to contact a user of the remotely monitored device regarding the service request, wherein the service depot is configured to provide preventive and reparative maintenance to the remotely monitored device.

In a related art, Hummel teaches a service depot (*i.e., the central service facility 22*) comprising a computer configured to receive service requests from an analyzer (*i.e., from the management station 70*) over a Wide Area Network “WAN” and to analyze the service requests, and to contact a user of the remotely monitored device regarding the service request (*within each diagnostic system 12, a uniform service platform 90*

*including a uniform GUI for composing and transmitting service requests, transmitting and receiving service data, establishing network connections, and managing financial or subscriber arrangements, is provided to clinicians and radiologists to facilitate interaction with the service facility 22 via a remote access network 80 such as the Internet), wherein the service depot is configured to provide preventive and reparative maintenance to the remotely monitored device (the service facility 22 also includes a bank of operator workstations 86, which maybe staffed by service engineers who address the service requests and provide off- and on-line service to the diagnostic systems in response to the service requests) (Hummel, Fig. 1 and C5:L64 – C6:L57).*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Motoyama and Hummel to have the service request being sent to a service depot, where the service request is analyzed, and then sent to a user of the remotely monitored device because it would allow the service depot *(the remote service facility 22 staffed by service engineers)* efficiently to address the service requests and provide off- and on-line service to the remote monitored device in response to the service requests (Hummel, C6: L24-28).

5. As to claim 3, Motoyama-Hummel teaches the system of claim 1, wherein the Wide Area Network comprises the Internet (Hummel, C5:L64 – C6: L12).

6. As to claim 4, Motoyama-Hummel teaches the system of claim 1, further comprising a transmitter configured to transmit the service history to the service depot

*(the processing system 84 within the service facility 22 maybe linked to a system of databases including extensive database information on operating parameters, service histories, etc. that maybe employed/accessed by the service facility 22 for servicing of particular diagnostic systems and for tracking such servicing)* (Hummel, C6: L28-38).

7. As to claim 6, Motoyama-Hummel teaches the system of claim 1, wherein the receiver comprises a configuration receiver configured to obtain information from the device over a Wide Area Network *(i.e., over a remote access network 80, the Internet)* (Hummel, C5:L64 – C6: L12).

8. As to claims 7-8, Motoyama-Hummel teaches the system of claim 1, wherein the device comprising a business office machine, such as a copier, a printer, a fax, a scanner, or a thin server *(the monitored devices can be a remote digital copier, facsimile machine, or printer)* (Motoyama, Fig. 1 and C4: L27-31).

9. As per claims 31 and 35, Motoyama-Hummel teaches the system of claim 1, wherein within each diagnostic system 12, a uniform service platform 90 including a GUI for composing and transmitting service requests, transmitting and receiving service data, establishing network connections, and managing financial or subscriber arrangements, is provided to clinicians and radiologists to facilitate interaction with the service facility 22 via a remote access network 80 such as the Internet (Hummel, C6: L44-57).

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10. Claims 11, 13-14, 16-18, 32 and 36-37 are corresponding computer program claims of system claims 1, 3-4, 6-8, 31 and 35; therefore, they are rejected under the same rationale.

11. Claims 21, 23-24, 26-28, 33 and 38-39 are corresponding computer-implemented method claims of system claims 1, 3-4, 6-8, 31 and 35; therefore, they are rejected under the same rationale.

**12. Claims 9-10, 19-20, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama-Hummel, and further in view of Othmer et al. (US 6,167,358), herein after referred as Othmer.**

13. As to claims 9-10, Motoyama-Hummel teaches the system of claims 1, but does not explicitly teach the remotely monitored device comprising a mobile unit such as an automobile, a boat, a train or an airplane.

In a related art, Othmer teaches a system for remotely monitoring machines including automobiles (Othmer, C6: L26-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include monitoring automobiles, as taught by Othmer, in the modified Motoyama invention because monitoring such machines would allow for the detection of defects and malfunctions (Othmer, C4: L19-34).

14. Claims 19-20 are corresponding computer program claims of system claims 9-10; therefore, they are rejected under the same rationale.

15. Claims 29-30 are corresponding computer-implemented method claims of system claims 9-10; therefore, they are rejected under the same rationale.

### ***Response to Arguments***

16. In the remarks, applicant argued in substance that

(A) Prior Arts fail to disclose “an analyzer configured to analyze the service history and the at least one of the device state and the device event of the remotely monitored device to determine a service request to be performed on the remotely monitored device”, as claimed in claim 1.

As to point (A), before addressing the argument, Examiner submits that the language of the limitation cited in the quotation “the at least one of the device state and the device event of the remotely monitored device” can be given broad and reasonable interpreted in light of specification as the received image density information of the monitored device. **Motoyama** teaches in step 410 of Fig. 8, the monitoring device analyzes the received information by comparing the received information with values such as service history, malfunctions, and other special conditions/events in the



database and determines that it is appropriate to change the parameters of the remotely monitored device (*i.e., comparing/analyzing the at least one of the device state and the device event of the remotely monitored device and the service history to determine a service request to be performed on the remotely monitored device*) (**Motoyama, Fig. 8 and C10: L14-21**).

(B) Applicant argued that the Office Action has failed to provide motivation for one of ordinary skill in the art to combine the teachings of the '216 (Motoyama) and '454 (Hummel) patents.

As to point (B), in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Motoyama does not explicitly teach a service depot comprising a computer configured to receive the service request, to analyze the service request, and to contact a user of the remotely monitored device regarding the service request, wherein the service depot is configured to provide preventive and reparative maintenance to the remotely monitored device.

In a related art, Hummel teaches a service depot (*i.e., the central service facility 22*) comprising a computer configured to receive service requests from an analyzer (*i.e., from the management station 70*) over a Wide Area Network "WAN" and to analyze the service requests, and to contact a user of the remotely monitored device regarding the service request (*within each diagnostic system 12, a uniform service platform 90 including a uniform GUI for composing and transmitting service requests, transmitting and receiving service data, establishing network connections, and managing financial or subscriber arrangements, is provided to clinicians and radiologists to facilitate interaction with the service facility 22 via a remote access network 80 such as the Internet*), wherein the service depot is configured to provide preventive and reparative maintenance to the remotely monitored device (*the service facility 22 also includes a bank of operator workstations 86, which maybe staffed by service engineers who address the service requests and provide off- and on-line service to the diagnostic systems in response to the service requests*) (**Hummel, Fig. 1 and C5:L64 – C6:L57**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Motoyama and Hummel to have the service request being sent to a service depot (*i.e., sent to the remote service facility 22*), where the service request is analyzed, and then sent to a user of the remotely monitored device because it would allow the service depot (*the remote service facility 22 including a bank of operator workstations 86 staffed by service engineers*) efficiently to address the service requests and provide off- and on-line service to the remote monitored device in response to the service requests (**Hummel, C6: L24-28**).

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17. Applicant's arguments as well as request for reconsideration filed on 06/13/2005 have been fully considered but they are not deemed to be persuasive.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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